

CHAPTER 102 OPEN BURNING REGULATION

100.2.1. Scope

This regulation shall be effective in all ambient air quality regions as of the date indicated in each section.

100.2.2. Prohibitions

Open burning of tires or rubber products or by-products shall be prohibited after July 1, 1972.

Open burning of waste of any kind shall be prohibited after July 1, 1974 except that municipalities qualifying for an extension under the Solid Waste Management Plan shall cease using open burning as a means of solid waste disposal by July 1, 1975.

100.2.3 Exemptions

Open burning may be permitted for the following purposes provided a permit is obtained in accordance with paragraph 100.2.4:

- (a) Open burning for the control or prevention of any disease, virus or similar hazard to public health;
- (b) Open burning for agricultural purposes such as land clearing, blueberry control, or burning for similar prescribed cultural purposes.
- (c) Open burning for the disposal of any material generated by the demolition of any building or the clearing of any land for the erection, modification or construction of any highway, railroad, power or communication line or pipeline, or commercial or industrial or recreational building or development.
- (d) Open burning for training, research and recreational purposes except that fires for recreational purposes on a person's own property are not required to obtain a permit.

100.2.4 Open Burning Permits

Open burning permits may be granted by the Forest Ranger or Town Forest Fire Warden having jurisdiction over locations where the fire is to be set, or should complicated circumstances warrant the Ranger or Warden may refer the person requesting a permit to the Department of Environmental Protection for final approval on items, (a) (b) and (c) below. Such permits will be issued if it is determined:

- (a) There is no local, private or municipal rubbish collection for such materials nor any reasonably located municipal or private dump to which such material may be transported;
- (b) There is no other suitable method for disposal of such materials that will not create or aggravate a hazard to public health or safety or public or private property not violate any provision of State or Local Law;
- (c) The existing wind speed and atmospheric stagnating conditions will not create any nuisance conditions;
- (d) Such burning will not take place within 50 feet of a public way;
- (e) Such burning will take place under such conditions as will prevent the uncontrolled spread of the fire;
- (f) The burning will comply with all applicable regulations of the State of Maine Forestry Department and any applicable local fire regulations.

100.2.5 Reports

The below listed progress reports shall be submitted to the Department by the date indicated by all persons using open burning as a method of solid waste disposal, except that if similar reports are required under the Solid Waste Management Plan, these reports need not be filled. The Solid Waste Management Department shall keep the Department advised as to the status of open burning dumps.

- (a) January 10, 1973 – preliminary report of plans and investigations made as to the selection of a suitable site for sanitary landfill and other feasible alternatives, including estimated costs and regional arrangements investigated.
- (b) June 30, 1973 – final report of plans as to the selection of suitable site or other alternative and the capital and operating cost thereof, including administrative procedures required to implement these plans.

- (c) January 1, 1974 – indicate status of site acquisition and equipment procurement and any other necessary agreements.